

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 08-01423 HRL	DATE FILED 3/12/2008	U.S. DISTRICT COURT 280 South First Street, Rm 2112, San Jose, CA 95113
PLAINTIFF AUTHEN TEC, INC.		DEFENDANT ATRU A TECHNOLOGIES, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,862,248		SEE ATTACHED COMPLAINT
2 6,667,439		
3 5,940,526		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK Richard W. Wieking	(BY) DEPUTY CLERK Betty Walton	DATE March 13, 2008
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

COPY

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ORIGINAL FILED

MAR 12 2008

Richard W. Wieking  
Clerk, U.S. District Court  
Northern District of California  
San Jose

6 Attorneys for Plaintiff AuthenTec, Inc.

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
11

12 AuthenTec, Inc., a Delaware Corporation,  
13 Plaintiff,  
14 vs.  
15 Atrua Technologies, Inc., a California  
Corporation,  
16 Defendant.  
17

C 08 Case No. 01423 HRL

COMPLAINT FOR PATENT  
INFRINGEMENT  
DEMAND FOR JURY TRIAL

18  
19 Plaintiff AuthenTec, Inc. ("AuthenTec") alleges the following in support of its Complaint for  
20 Patent Infringement and Demand for Jury Trial ("Complaint") against Defendant Atrua Technologies,  
21 Inc. ("Atrua"):

22 PARTIES

- 23 1. AuthenTec is a Delaware corporation having a principal place of business at 709 South  
24 Harbor City Boulevard, Melbourne, Florida 32901.  
25 2. On information and belief, Atrua is a California corporation having a principal place of  
26 business at 1696 Dell Avenue, Campbell, California 95008.  
27  
28



1 infringement of such claims. Atrua has been offering and continues to offer for sale such products,  
2 systems, and devices without the authorization of AuthenTec.

3 10. Atrua's acts of infringement have caused damage to AuthenTec in an amount subject to  
4 proof at trial. Under 35 U.S.C. § 284, AuthenTec is entitled to recover from Atrua the damages  
5 sustained by AuthenTec as a result of Atrua's infringement of the '248 Patent. Atrua's infringement of  
6 AuthenTec's exclusive rights under the '248 Patent will continue to damage AuthenTec's business,  
7 causing it irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court  
8 under 35 U.S.C. § 283.

9 11. Upon information and belief, Atrua's infringement of the '248 Patent has been willful  
10 and deliberate, and entitles AuthenTec to increased damages under 35 U.S.C. § 284 and attorneys' fees  
11 and costs under 35 U.S.C. § 285..

12 **COUNT 2**

13 **(Infringement of U.S. Patent No. 6,667,439)**

14 12. Paragraphs 1 through 11 of the Complaint set forth above are incorporated herein by  
15 reference.

16 13. On December 23, 2003, United States Patent No. 6,667,439 ("the '439 Patent") entitled  
17 "Integrated Circuit Package Including Opening Exposing Portion of an IC" was duly and legally issued  
18 to Matthew M. Salatino and Patrick O. Weber. AuthenTec and Hestia Technologies, Inc. are the  
19 owners of all rights and interest in and to the '439 patent by assignment. A true and correct copy of the  
20 '439 Patent is attached hereto as Exhibit B.

21 14. Upon information and belief, Atrua has infringed and continues to infringe under 35  
22 U.S.C. § 271 the '439 Patent. The infringing acts include, but are not limited to, importing, selling and  
23 offering for sale in the United States biometric products, systems, and devices, including fingerprint  
24 sensors, that are covered by one or more claims of the '439 patent, and inducing and contributing to the  
25 infringement of such claims. Atrua has been offering and continues to offer for sale such products,  
26 systems, and devices without the authorization of AuthenTec.

27 15. Atrua's acts of infringement have caused damage to AuthenTec in an amount subject to  
28 proof at trial. Under 35 U.S.C. § 284, AuthenTec is entitled to recover from Atrua the damages

1 sustained by AuthenTec as a result of Atrua's infringement of the '439 Patent. Atrua's infringement of  
2 AuthenTec's exclusive rights under the '439 Patent will continue to damage AuthenTec's business,  
3 causing it irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court  
4 under 35 U.S.C. § 283.

5 16. Upon information and belief, Atrua's infringement of the '439 Patent has been willful  
6 and deliberate, and entitles AuthenTec to increased damages under 35 U.S.C. § 284 and attorneys' fees  
7 and costs under 35 U.S.C. § 285.

8 **COUNT 3**

9 **(Infringement of U.S. Patent No. 5,940,526)**

10 17. Paragraphs 1 through 16 of the Complaint set forth above are incorporated herein by  
11 reference.

12 18. On December 23, 2003, United States Patent No. 5,940,526 ("the '526 Patent") entitled  
13 "Electric Field Fingerprint Sensor Having Enhanced Features and Related Methods" was duly and  
14 legally issued to Dale R. Setlak, Nicolaas W. VanVonne, Rex Lowther, and Dave Gebauer. AuthenTec  
15 is the owner of all rights and interest in and to the '526 patent by assignment. A true and correct copy  
16 of the '526 Patent is attached hereto as Exhibit C.

17 19. Upon information and belief, Atrua has infringed and continues to infringe under 35  
18 U.S.C. § 271 the '526 Patent. The infringing acts include, but are not limited to, importing, selling and  
19 offering for sale in the United States biometric products, systems, and devices, including fingerprint  
20 sensors, that are covered by one or more claims of the '526 patent, and inducing and contributing to the  
21 infringement of such claims. Atrua has been offering and continues to offer for sale such products,  
22 systems, and devices without the authorization of AuthenTec.

23 20. Atrua's acts of infringement have caused damage to AuthenTec in an amount subject to  
24 proof at trial. Under 35 U.S.C. § 284, AuthenTec is entitled to recover from Atrua the damages  
25 sustained by AuthenTec as a result of Atrua's infringement of the '526 Patent. Atrua's infringement of  
26 AuthenTec's exclusive rights under the '526 Patent will continue to damage AuthenTec's business,  
27 causing it irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court  
28 under 35 U.S.C. § 283.

1           21. Upon information and belief, Atrua's infringement of the '526 Patent has been willful  
2 and deliberate, and entitles AuthenTec to increased damages under 35 U.S.C. § 284 and attorneys' fees  
3 and costs under 35 U.S.C. § 285.

### PRAYER FOR RELIEF

5 WHEREFORE, AuthenTec respectfully requests that this Court enter judgment against Atrua  
6 as follows:

7 a) For judgment that Atrua has infringed and continues to infringe the '248 Patent, the  
8 '439 Patent, and the '526 Patent;

b) For preliminary and permanent injunctions under 35 U.S.C. § 283 against Atrua and its directors, officers, employees, agents, servants, subsidiaries, parents, successors, assigns, attorneys, and all persons acting in concert, on behalf of, in joint venture with, or in partnership with Atrua from further infringing acts;

13 c) For damages to be paid by Atrua adequate to compensate AuthenTec for Atrua's  
14 infringement, including interests, costs, and disbursements as the Court may deem appropriate under  
15 35 U.S.C. § 284;

16 d) For judgment finding that Atrua's infringement was willful and deliberate, entitling  
17 AuthenTec to increased damages under 35 U.S.C. § 284;

18 e) For judgment finding this to be an exceptional case, and awarding AuthenTec attorneys'  
19 fees and costs under 35 U.S.C. § 285; and

20 f) For such other and further relief at law and in equity as the Court may deem just and  
21 proper.

1 Dated: March 12, 2008

Respectfully submitted,

By: 

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**DEMAND FOR JURY TRIAL**

AuthenTec hereby demands a trial by jury on all issues set forth in its Complaint for Patent Infringement pursuant to Fed. R. Civ. P. 38 and Civ. L.R. 3-6.

Dated: March 12, 2008

Respectfully submitted,

By: 

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